

1
2 IN THE UNITED STATES BANKRUPTCY COURT FOR
3 THE DISTRICT OF PUERTO RICO

4 IN RE:

5 KELMY RIVERA GHIGLIOTTY

6
7
8 XXX-XX-4290

9
10 CASE NO. 05-07198 ESL
11 Chapter 13

12
13 FILED & ENTERED ON 10/17/2008

14 Debtor(s)

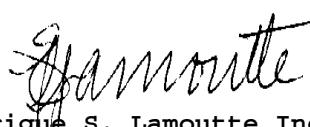
15
16 DISCHARGE OF DEBTOR AFTER COMPLETION OF CHAPTER 13 PLAN

17 It appearing that the debtor is entitled to a discharge.
18 IT IS ORDERED:

19 The debtor is granted a discharge under section 1328(a) of title 11,
20 United States Code, (the Bankruptcy Code).

21 San Juan, Puerto Rico, this 17 day of October, 2008.

22 BY THE COURT

23 
Enrique S. Lamoutte Inclan
U.S. Bankruptcy Judge

24
25 cc: All creditors

SEE THE BACK OF THIS ORDER FOR IMPORTANT INFORMATION.

1
2 ***EXPLANATION OF BANKRUPTCY DISCHARGE IN A CHAPTER 13 CASE***
3

4 This court order grants a discharge to the person named as the debtor after
5 the debtor has completed all payments under the chapter 13 plan. It is not a
6 dismissal of the case.
7

8 Collection of Discharged Debts Prohibited
9

10 The discharge prohibits any attempt to collect from the debtor a debt that
11 has been discharged. For example, a creditor is not permitted to contact a debtor
12 by mail, phone, or otherwise, to file or continue a lawsuit, to attach wages or
13 other property, or to take any other action to collect a discharged debt from the
14 debtor. [*In a case involving community property:*] [There are also special rules
15 that protect certain *community property* owned by the debtor's spouse, even if
16 that spouse did not file a bankruptcy case.] A creditor who violates this order
17 can be required to pay any damages and attorney's fees to the debtor.
18

19 However, a creditor may have the right to enforce a valid lien, such as a
20 mortgage or security interest, against the debtor's property after the
21 bankruptcy, if that lien was not avoided or eliminated in the bankruptcy case.
22 Also, a debtor may voluntary pay any debt that has been discharged.
23

24 Debts That are Discharged
25

26 The chapter 13 discharge order eliminates a debtor's legal obligation to
27 pay a debt that is discharged. Most, but not all, types of debts are discharges
28 if the debt is provided for by the chapter 13 plan or is disallowed by the court
29 pursuant to section 502 of the Bankruptcy Code.
30

31 Debts that are Not Discharged.
32

33 Some of the common types of debts which are not discharged in a chapter 13
34 bankruptcy case are:
35

- 36 a. Debts that are in the nature of alimony, maintenance, or support;
37 a. Debts for most student loans;
38 b. Debts for most fines, penalties, forfeitures, or criminal restitution
39 obligations;
40 c. Debts for personal injuries or death caused by the debtor's operation
41 of a motor vehicle while intoxicated;
42 d. Debts provided for under section 1322(b) (5) of the Bankruptcy Code and
43 on which the last payment is due after the date on which the final
44 payment under the plan was due; and
45 e. Debts for certain consumer purchases made after the bankruptcy case was
46 filed if prior approval by the trustee of the debtor's incurring the
47 debt was practicable but was not obtained.
48

49 This information is only a general summary of the bankruptcy discharge.
50 There are exceptions to these general rules. Because the law is complicated, you
51 may want to consult an attorney to determine the exact effect of the discharge in
52 this
53 case.
54